

रजिस्टर्ड नं० पी० ४६१.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बृहस्पतिवार, १९ जुलाई, १९७३/२८ श्रावण, १८९५

GOVERNMENT OF HIMACHAL PRADESH LOCAL SELF GOVERNMENT DEPARTMENT NOTIFICATIONS

Simla-2, the 24th January, 1973

No. 1-6/70-LSG.—In exercise of the powers conferred by section 255 and 273 of the Himachal Pradesh Municipal Act, 1968 (Act No. 19 of 1968), the Governor, Himachal Pradesh is pleased to make the following Rules, entitled as the Himachal Pradesh Municipalities. (General) Rules, 1972, the same having been previously published in the Extraordinary issue of the Himachal Pradesh Rajpatra vide notification No. 1-6/70-LSG., dated the 7th September, 1970 as required by sub-section (5) of section 255 of the said Act, namely:—

HIMACHAL PRADESH MUNICIPALITIES (GENERAL) RULES 1972

RULES FRAMED UNDER SECTION 255 OF THE HIMACHAL PRADESH MUNICIPAL ACT, 1968

Short title and Commencement.

1. (1) These rules may be called the Himachal Pradesh Municipality (General) Rules, 1972.

(2) They shall come into force with immediate effect.

Definitions

2. In these rules, unless the context otherwise requires,—

(a) “Committee” means a Municipal Committee/Municipal Corporation;

(b) “Municipality” means a Municipal Committee established by or under the Himachal Pradesh Municipal Act, 1968 or Municipal Corporation established by or under the Capital of Himachal Pradesh (Development and Regulation) Act, 1968, or any other enactment made in this behalf from time to time;

(c) “Competent authority” means the authority of the Municipality competent under the law to take any action against the municipal servants;

(d) “State Government” means the Government of Himachal Pradesh.

Removal of member President or Vice President.

3. (1) The letter containing the proposed removal of a member, President or vice-president, as the case may be, required to be issued under section 15 or section 21 of the Himachal Pradesh Municipal Act, 1968 shall be served on the member, president or the vice-president, as the case may be, through a registered letter direct by the State Government and the member, president or the vice-president upon whom the letter is served, shall tender the explanation through the Deputy Commissioner, with an advance copy thereof, together with attested copies of the documents accompanying it, if any, so as to reach the Secretary (LSG), to the Government of Himachal Pradesh, within a period of twenty-one days of the date of despatch of the letter:

Provided that in case the State Government may at any time require to remove the administrator or any member of the corporation on the grounds stated in section 11 of the Capital of Himachal Pradesh (Development and Regulation) Act, 1968, it shall, before removal communicate to the administrator or the member, as the case may be, the reasons for his proposed removal and he shall be given an opportunity of tendering an explanation in writing.

(2) The Deputy Commissioner, shall forward the case with his comments, if any, direct to the State Government within a period of fourteen days from the date of receipt of the explanation mentioned in sub-rule (1).

(3) Where the member, president, administrator or vice-president does not submit the explanation within the specific period, a report to that effect may be made by the Deputy Commissioner to the State Government.

Language in which business is to be transacted, proceedings recorded and notices issued.

4. In every municipality, all the business shall be transacted proceedings recorded and notices issued in Hindi (Devnagri script):

Provided that a municipality may decide that while issuing agenda, or a notice, its translation in English, shall be added.

Explanation.—The State Government may relax the provision of sub-rule (1) in suitable cases.

5. (1) No member of a municipality shall be present at or vote or take any other part in any proceedings of a committee or sub-committee relating to a matter in which such member or a parent, or descendent of such member or descendent of any parent of such member, or the husband or wife of such member, or descendent or a parent of the husband or wife of such member, or a descendent of such parent last referred to has a direct or indirect interest.

Note.—A member of municipality who is a candidate for appointment to the post of Executive Officer, is precluded from being present, or taking part in, or voting at a meeting of the committee if and when the question of the appointment of an Executive Officer is being considered.

(2) No person who is either a parent or descendent of a member of municipality, or a descendent of any parent of such member, or the husband or wife of such member or descendent or a parent of the husband or wife of such member, or a descendent of any such parent last referred to, shall be appointed as an officer or servant or enlisted as a contractor for undertaking the contract for such municipality, without the previous sanction of the Deputy Commissioner and where the president or the administrator of the municipality is the Deputy Commissioner, the sanction of the State Government shall be taken.

Members not to take part in proceedings in which they or their relatives are pecuniarily interested.

6. No person shall be employed in the service of a municipality,—

- (a) unless his character and antecedents are verified before hand by a reference to the Police Department except that in the case of temporary vacancy, the previous verification shall be dispensed with and in the case of permanent vacancy relating to technical personnel, the appointment shall be subject to the condition that his character and antecedents shall be verified by the Police;
- (b) where such person was dismissed from the service of Government or a local body, unless previous sanction of the State Government is obtained.

Employment in the service of a municipality.

7. Other things being equal the persons holding certificate or diploma from the National Fire Service College, Nagpur, shall be given preference for appointment to an operational post of the Fire Organisation.

Preference to persons holding Diploma from the National Fire service Collage Nagpur.

8. No matter shall be included in the agenda for any meeting of a committee or sub-committee, or be discussed at any such meeting, which is not connected with the functions and duties of committee as prescribed by the Himachal Pradesh Municipal Act, 1968 or the Capital of Himachal Pradesh (Development and Regulation) Act, 1968 and it shall be the duty of the president or the administrator or the presiding member to disallow the inclusion in the agenda and to permit at a meeting the discussion of any such matter:

Matter to be included in the agenda for meeting of a municipality.

Provided that the president or the administrator may, at his discretion permit an exception to this rule, if the discussion of such matter appears to him to be in the public interest and not in any way likely to impede the administration or to promote or encourage lawlessness, or to cause communal discord or to be for any other reason undesirable.

Proceedings
of the meet-
ing of mun-
icipality.

9. The proceedings at each meeting of a committee shall be drawn up and be recorded in a book in the form, appended. The committee shall supply a copy of the proceedings of each meeting to the State Government for information and record, in addition to the copy to be supplied to the Deputy Commissioner under sub-section (2) of section 29 of the Himachal Pradesh Municipal Act, 1968.

Publication
of minutes
of meeting.

10. An abstract of the minutes of each meeting of a committee shall be affixed in some conspicuous spot accessible to the public at the place of meeting of the committee and a copy of such abstract shall be supplied to the manager of every newspaper which is published within the limits of the district in which the municipality is situated.

Procedure for
administer-
ing the oath
or affirmat-
ion of alle-
giance.

11. (1) The oath or affirmation of allegiance prescribed in section 23 of the Himachal Pradesh Municipal Act, 1968 or section 14 of the Capital of Himachal Pradesh (Development and Regulation) Act, 1968 shall be administered by the Deputy Commissioner or any other gazetted officer appointed by him in the case of a newly appointed or newly elected committee and by the chairman of the meeting in other cases.

(2) The administration of the oath or affirmation under clause (1) of this rule shall be recorded as a part of the proceedings in the minutes of the meeting.

Publication
of public
notices.

12. (1) In every case in which a public notice is to be given by a municipality in exercise of the powers conferred or in discharge of an obligation imposed by the Himachal Pradesh Municipal Act, 1968 or the Capital of Himachal Pradesh (Development and Regulation) Act, 1968, or by any rule or bye-law made thereunder, such notice shall be published in Form 2, appended, duly filled in the following manner for the purpose of inviting objections and suggestions from the public viz.:—

(a) notice shall be published by proclamation,

(b) a copy of such notice, together with a copy of it is proposed to make, shall be affixed in some conspicuous spot accessible to the public at the place of meeting of the committee for a period not less than 30 days. The notice and its enclosures shall be displayed and shall specify a date, at least 30 days ahead, by which objections or suggestions should be forwarded to the Secretary of the Committee,

(c) the notice shall be published by distribution of hand-bills and by publication on the notice boards within the limits of the municipality,

(d) a copy of such notice along with a copy of the draft which the committee proposes to make shall be sent to the editors of two newspapers, to be selected by the committee for information and use as a news item. The selected newspapers shall be addressed as in Form 3, appended.

(2) When any such proposals, after publication by a committee, are forwarded for sanction and confirmation to the appropriate authority they shall be accompanied by a statement that the provisions of rule 13(i) above have been duly complied with.

Note.—A committee is empowered or required to issue public notices under sections 61, 64, 65, 66(2), 100, 103, 104, 105(1)(b), 107(b) 148(a), 151, 161(2), 170(2), 179 (3) and 190 of the Himachal Pradesh Municipal Act, 1968.

13. (1) In every case in which a Committee proposes to impose any tax under section 60 of the Himachal Pradesh Municipal Act, 1968, or to make bye-laws under any section of the said Act or any rules under any section of the said Act or any rules under any other Act, under which a municipality is empowered to make rules, it shall give notice of its intention in the manner prescribed for the publication of public notices in rule 13 above.

Publication of proposals to impose taxes or to make rules or bye-laws

Note.—Committees are empowered to make rules under the Hackney Carriage Act, 1879 and the Vaccination Act, 1880.

(2) When any such proposals are forwarded for sanction or confirmation to the appropriate authority, they shall be accompanied by a statement that the provisions of clause (1) of this rule have been complied with.

14. The fee leviable for a notice of demand served under section 82(2) of the Himachal Pradesh Municipal Act, 1968, whether the notice is served through post or through a process server of the committee shall be the post and Sup-age charges, payable for a registered letter from time to time.

Fees for notice under section 8 (2) of the Himachal Pradesh Municipal Act, 1968

15. (1) Every municipality shall as soon as possible after the close of each official year, prepare in such forms as may, from time to time, be prescribed by the Local Self Government Department. Such returns as may, from time to time, be so prescribed with regard to the Constitution of the Committee and the accounts of its income expenditure, balances and liabilities or any other matter, together with a report on the working of the committee in such form as may from time to time, be so prescribed.

Submission of annual returns and statements and reports

(2) One copy of the returns so prepared shall be submitted direct to the State Government through the Deputy Commissioner by the 15th day of May in each year and a second copy shall be forwarded to the Deputy Commissioner.

(3) The annual report on the working of the committee shall be submitted to the Deputy Commissioner together with the copy of the returns forwarded for submission to the State Government.

16. (1) No committee shall pay to any member travelling allowance on account of journey undertaken on municipal business unless—

Travelling allowance of Members

(a) in case of a journey performed within the district in which the municipality is situated or a journey to place outside such district the travelling allowance payable in respect of which does not exceed fifty rupees, the Committee has passed a resolution sanctioning the undertaking of such journey; and

(b) in the case of any other journey, the previous sanction of the Deputy Commissioner has been obtained for such journey to be undertaken.

(2) The travelling allowance payable shall not exceed the amount that would have been payable in respect of the journey, had such a member been Government servant in Grade II establishment of the State Government as defined in the F.R. and S.R. for purposes of travelling allowance.

(3) If on a report of the auditors, Government consider that any unnecessary journey has been undertaken, the members of the Committee, who sanctioned it, will be held responsible to make good the amount paid as travelling allowance.

grant of
advances
or purch-
se of mot-
cars, mo-
cycles.

17. (1) A Municipality, which with the sanction of the State Government has under section 51(2)(1) of the Himachal Pradesh Municipal Act, 1968 declared the grant of advances for the purchase of a motor cycle or Cycle to its employees to be an appropriate charge on the Municipal Fund shall, so far as may be, grant such advance in accordance with the rules regulating and on the conditions laid down for the grant of such advances by State Government to Government servants.

(2) No Municipal Committee shall grant an advance for the purchase of a motor car, motor cycle or cycle to any of its employees without the previous sanction in each case of the Deputy Commissioner.

annuities,
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unicipal
employees
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18. No annuity of gratuity on retirement and no leave, absentee or acting allowances to any officer paid from a Municipal Fund shall, without the express sanction of the State Government, exceed what would be admissible under the rules which apply to an officer paid from general revenues.

Note.—A municipal servant committed to prison either for debit or on criminal charge should be considered to be under suspension from the date of his arrest, and should not be allowed to draw any pay until the proceedings against him when an adjustment of these allowances, should be made according to the circumstances of the cases. The full amount should be given only in the event of the municipal servant being acquitted of blame or (if the imprisonment was for debit) of its been proved that the officer's liability arose from circumstances beyond his control, otherwise not more than half should be given and that only with the previous sanction of the State Government.

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appoint-
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of 58.

19. (1) Every Committee should terminate the appointment of every servant of the committee upon his attaining the age of 58 years in the case of superior servants and sixty years in the case of inferior servants. He must not be retained in service after that age except in exceptional circumstances on public grounds which must be recorded in writing with the prior approval of the State Government, which should be obtained before hand:

Provided that the Deputy Commissioner or the Sub-Divisional Officer may, without the approval of the State Government, sanction the re-employment of a patwari or kanungo by the committee for a period of six months on pay fixed in such manner that, on re-employment, it does not exceed the pay which the re-employed person would have got, had he been re-employed under State Government.

(2) Notwithstanding anything contained in this rule the competent authority shall, if it is of the opinion that it is in the public interest to do so, have the absolute right to retire any servant of the municipality after he has attained the age of fifty-five years giving him notice of not less than three months in writing.

(3) Any servant of the municipality may, by giving notice of not less than three months in writing to the competent authority retire from service after he has attained the age of fifty-five years:

Provided that nothing in this clause shall apply to a class IV servant.

It shall be open to the competent authority to withhold permission to a servant under suspension who seeks to retire under this clause.

(4) For the purpose of clause (b) of rule 20 it will be necessary to determine if retention of a servant of the committee beyond the age of 55 years will be in public interest. It is hereby laid down that the following procedure should be observed:—

- (i) the case of the municipal servant concerned should be reviewed six months before he attains the age of 55 years and decision taken thereon by the competent authority;
- (ii) once decision has been taken by the competent authority to retain municipal servant beyond the age of 55 years in public interest, the employee concerned will continue in service automatically till he attains the age of compulsory retirement i.e. upto the age of 58 years. If, however, the competent authority, subsequently considers that further retention of the municipal servant will not be in public interest, that authority may take necessary action, to serve three months notice in terms of clause (b).

20. Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to the municipalities to whom these rules apply are hereby repealed:

Provided that any order made or action taken under the rules so repealed, shall be deemed to have been made or taken under the corresponding provisions of these rules.

FORM 1

Title page—Proceeding Book of Municipal Committee/Corporation.

Inside Top—(1) Proceeding of the Special/Ordinary Meeting held on....
(2) Name of Members and Advisers present:—

.....
.....

Body	Serial No. of the item	Business transacted as per agenda or on a requisition	Advice if given by the advisors	Resolution of the Committee
1	2	3	4	5

FORM 2 NOTICE

Municipal Committee/Corporation.....
Whereas by resolution No.....of.....
.....19, the Municipal Committee/Corporation of.....
proposes to make.....under the provisions of sections.....
.....of the Himachal Pradesh Municipal Act, 1968, for the purpose
of.....it is hereby notified for general information that the pro-
posed.....will be taken into consideration by the Municipal Committee/
Corporation, after the lapse of thirty days from the date of this notice. All
persons affected by or interested in the draft.....are invited
to forward their objections or suggestions to the undersigned by the.....
.....of19.

For the convenience of the public copies of the draft.....have been displayed at the conspicuous place at the headquarters of the Tehsil concerned and at the meeting place of the Municipal Committee/Corporation.

Secretary,
Municipal Committee/Corporation.

FORM 3

From: The Secretary, Municipal Committee/Corporation,
.....

To The Editor,
.....

Dated.....19 .

Sir,

I am directed to forward herewith a copy of notice alongwith a copy of the draft which the Committee/Corporation proposes to make, for information or use as a news item.

By order,
(P. K. MATTOO),

Secretary (LSG),
to the Government of Himachal Pradesh.

Simla-2, the 16th March, 1973

No. 1-15/72-LSG.—The following amendments made by the Municipal Committee, Nurpur in Kangra district, in exercise of the powers conferred by section 30(h) of the Himachal Pradesh Municipal Act, 1968 to its Bye-Law No. 64 of conduct of business bye-laws published with the Punjab Government notification No. 3452-C-45/29703, dated 19-11-1945, having been confirmed by the Government of Himachal Pradesh as required by section 215 of the said Act, are published for general information and shall come into force within the Municipality of Nurpur in Kangra district with effect from the date of its publication in the Official Gazette.

AMENDMENTS

In bye-law No. 64 for the words “in the scale prescribed by the Government for the copies of the judicial and revenue records” the following words shall be substituted, namely:—

“at the rates prescribed below:—

Rates of copying fee

<i>First 200 words</i>		<i>Subsequent 100 words and a part thereof</i>	
English	Re. 0.75	..	Re. 0.37
Urdu	Re. 0.37	..	Re. 0.19
Hindi	Re. 0.75	..	Re. 0.37

for urgent cases an additional fee of Re. 1 be charged in all cases”.

By order,
(P. K. MATTOO),
Secretary (LSG),
to the Government of Himachal Pradesh.

Simla-2, the 16th March, 1973

No. 1-7/70-LSG.—In exercise of the powers conferred by sections 225 and 273 of the Himachal Pradesh Municipal Act, 1968 (Act No. 19 of 1968), the Governor, Himachal Pradesh, is pleased to make the following rules entitled as "The Leasing out of Stalls constructed by Municipalities in Himachal Pradesh Rules, 1973", the same having been previously published in the Extraordinary issue of the Himachal Pradesh Rajpatra vide notification No. 1-7/70-LSG., dated the 14th April, 1971, under sub-section (5) of section 255 of the said Act, namely:—

RULES FOR LEASING OUT OF STALLS CONSTRUCTED BY MUNICIPALITIES IN HIMACHAL PRADESH

1. (1) These rules may be called the Leasing Out Of Stalls Constructed by the Municipalities in Himachal Pradesh Rules, 1973.

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(2) They shall come into force with immediate effect.

2. In these rules, unless the context otherwise requires,—

Definitio

(a) "Act" means the Himachal Pradesh Municipal Act, 1968 (Act No. 19 of 1968) and the Capital of Himachal Pradesh (Development and Regulation) Act, 1968.

(b) "Municipality" means a Municipal Committee or Notified Area Committee established by or under the Himachal Pradesh Municipal Act, 1968 or Municipal Corporation established by or under the Capital of Himachal Pradesh (Development and Regulation) Act, 1968, or by or under any other enactment made in this behalf from time to time.

(c) "Stall" means stall or shop constructed by the Municipality.

3. The stalls constructed by the Municipality shall be leased out by it on the conditions laid down in these rules:

Leasing
of stalls.

4. The rent of stalls shall be determined in advance by the Municipality taking into consideration the cost and location of the stalls and other relevant factors.

Rent

5. The term of the lease in the first instance shall be for one year; provided that the lessee may renew the lease for another year and so on.

Term
Lease.

6. The lessee shall pay monthly rent in advance by the 10th of the month in which it falls due. He shall pay two months' rent as security to the Municipality, which shall be refunded on the expiry of the lease, unless it is forfeited in accordance with the terms of the lease.

Payment
Rent.

It will be sole responsibility of the lessee to deposit the rent in time in the office of the Municipality. In default of payment of rent continued for a period of six months the lessor shall have the right to eject the lessee from the stall in possession of the lessee.

7. The lessee shall not assign, sub-let, or transfer by lease or otherwise part with the stalls, or any part thereof, without the permission in writing of the Municipality.

Sub-lett
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prohibit

8. The lessee shall be responsible for the payment of all rates, cesses and taxes levied by the local authorities from time to time, in addition to the rent payable by him.

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and tax

Priority in allotment of stalls.

9. Priority in the allotment of stalls shall be given by the Municipality to—

- (i) displaced persons who are already occupying the site where stalls are or have been constructed by erecting their wooden cabin or stalls with the permission of the local authority;
- (ii) displaced persons who or whose dependents have not been able to secure any business premises elsewhere in India; and
- (iii) repatriates from Burma, Ceylon, Mozambique, South Africa and any other country;
- (iv) at least 5% of the stalls constructed by the Municipalities shall be reserved for ex-servicemen/released E.C.Os., and S.S.C.Os., on comparatively less costly terms than for the general public without going through auction.

Termination of lease.

10. The lease is liable to be terminated immediately by the Municipality on breach of the conditions or terms of the lease. In addition to the termination of lease, the Municipality may also forfeit the security, if the lessee had made repeated default of the covenants on his part.

Proper upkeep of stalls.

11. The lessor shall keep the stalls in proper state of repairs.

Alterations or additions prohibited.

12. The lessee shall not make any additions or alterations, whatsoever, in the stall and shall be responsible for any damage to the stall.

Settlement of disputes.

13. In case of any dispute or any difference arising between the lessor and the lessee regarding ejectment, recovery of rent, or in respect of any terms of lease or their interpretation, or any other matter incidental to the terms of the lease, the Deputy Commissioner shall be the sole arbitrator, whose decision shall be final and binding on both the parties.

Determination of lease.

14. The lessor shall have the right to determine the lease before the expiry of the lease period only in case the land under the lease is required for a purpose of public utility. In that case, the lessee shall be entitled to such compensation as may be fixed in this behalf by the Deputy Commissioner and his decision in the matter shall be final.

Repeal and saving.

15. Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to the Municipalities to whom these rules apply are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

By order,
P. K. MATTOO,
Secretary.